IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 8706/2002

RAM PRATAP SINGH Vs. STATE OF RAJASTHAN & ORS.

DATE: 21.08.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

Mr. Biri Singh Sinsinwar for the petitioner.
Mr. B.S. Chhaba, Addl. GA for the State.

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This writ petition has been preferred by the petitioner for seeking following reliefs:-

> (i) issue an appropriate writ, order or direction thereby declaring the action of the respondents in not diverting the entire heavy traffic to pass through the ROB Reengus by-pass and allowing heavy traffic to pass through the city Reengus itself to be wholly illegal, arbitrary, unreasonable, unjustified and unconstitutional;
>
> (ii) issue an appropriate writ, order or directions thereby directing the non-petitioners to compensate the petitioner for the loss caused to him to the tune of Rs. 6 lacs per from May, 2002 (total 8 monts); and further to compensate petitioner by making payment for two months @ Rs. 2 lacs; in alternate, the respondents be directed by an appropriate writ, order or directions to extend the time period of contract of the petitioner for operating the toll tax point at ROB

> Reengus by-pass for next 8 months on the same terms and conditions so as to fulfill the loss caused to the petitioner;
>
> (iii) issue an appropriate writ, order or directions thereby directing the respondents not to proceed for issuance of NIT for further contract on the same toll tax of the petitioner at the ROB Reengus by-pass and further the respondents be directed not to allot the toll tax check post at ROB Reengus by-pass to any other person so that the petitioner may be in a position to recover the loss caused to him due to the inaction of the respondents;
>
> (iv) issue an appropriate writ, order or directions thereby directing the respondents to compensate the petitioner from the personal account/salary of the authorities and officers of the respondents who are responsible for not diverting the heavy traffic to pass through the ROB Reengus by-pass thereby causing loss to the petitioner and State as well."

The main grievance of the petitioner is that the contract of collection of toll tax has been given to the petitioner by the respondents but they are not helping the petitioner not to allow heavy vehicles plying through Reengus City and, therefore, loss is caused to the petitioner and he prayed for compensation.

Learned counsel for the respondents controverted this fact and submitted that the petitioner has taken the contract after seeing its terms and conditions and knowing this fact that there is alternative way also. He further submits that PWD is not the agency to prevent the plying of the heavy vehicles through Reengus City.

In the considered view of the Hon'ble Supreme Court and this Court, if any term and condition is violated by any of the party, there is alternative efficacious remedy to redress the grievance and ask for compensation, but in any case, with regard to such disputed questions of facts while exercising power under Article 226 of the Constitution of India, no compensation can be determined. Thus, I find no merit in the writ petition.

Consequently, the writ petition fails and the same is hereby dismissed.

The stay application also stands rejected.

(K.S. RATHORE),J.

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